

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

DIOGENES DE JESUS SIERRA,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/13/2024

10 Cr. 416 (VM)

ORDER

VICTOR MARRERO, District Judge:

On February 7, 2014, Diogenes De Jesus Sierra was sentenced principally to a term of imprisonment of 360 months.

On December 22, 2023, De Jesus Sierra filed a motion requesting that this court consider a sentence reduction pursuant to Amendment 821 to the Sentencing Guideline amendment, which went into effect on November 1, 2023, and applies retroactively. The United States Probation Department has issued a report indicating that the defendant is not eligible for a sentence reduction. (Dkt. No. 142.) The Court has considered the record in this case and De Jesus Sierra's submissions on this motion. (Dkt. No. 141.)

It is hereby ORDERED that De Jesus Sierra is ineligible for this reduction because, contrary to his assertion in his submissions (Dkt. No. 141), De Jesus Sierra did not have zero criminal history points at the time of his conviction. Accordingly, his motion for a sentence reduction is hereby denied.

The Clerk of the Court is respectfully directed to terminate the motion at Dkt. No. 141. The Clerk of the Court is also respectfully directed to mail a copy of this Order to Diogenes De Jesus Sierra,

Register Number 63319-053, FCI Fort Dix, P.O. Box 2000, Joint Base MDL,
NJ 08640, and note service on the docket.

SO ORDERED.

Dated: 13 February 2024
New York, New York



Victor Marrero
U.S.D.J.